

Application No. 09/811,359
Amendment dated May 30, 2007
Reply to Office Action dated March 12, 2007

27

Docket No.: 49662(72021)

RECEIVED
CENTRAL FAX CENTER

MAY 30 2007

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and allowance of claims 1, 15, 16, 35, 39-64 and 67. Claims 1, 3-22, 30, 35, 39-64, and 67 are pending in the application. New independent claim 69 is added hereby. Claims 2, 23-29, 31-34, 36-38, 65, 66, and 68 stand cancelled. Claims 18-22, 39-64, and 67 have been rejoined. Upon entry of the instant amendment, claims 1, 3-22, 30, 35, 39-64, 67 and 69 will be pending. No new matter has been added by the instant amendments. Applicants request reconsideration of the subject application in view of the following remarks.

Claim Rejections – 35 U.S.C. §102(b)

Claims 3, 5, 6, 9, 11, 14, and 17 have been rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Zondler et al., reference (US 4,840,662), which rejection is respectfully traversed. This reference has been cited as allegedly implicitly describing (as an intermediate fragment used in the synthesis of a larger nitrophenyl aminopyrimidine derivative, compound 1.135, Table I, columns 15 and 16) a compound falling within the scopes of claims 3 and 9. The Zondler reference provides no disclosure as to how the intermediate is to be synthesized. It is respectfully submitted that such an allegedly implicit description of a potential intermediate for the synthesis of a disclosed compound, without an enabling disclosure for the intermediate, cannot properly be considered anticipatory.

Nonetheless, in order to expedite prosecution the following amendments have been made:

Rejected claim 3 is hereby amended at the R₂ position to separately list R_A and R_B in the formula and to remove hydrogen as an option for substituent R_A.

Rejected claim 9 has been analogously amended as to corresponding substituents R_x and R_y.

Rejected claim 14 has been amended to comport with the above amendment to claim 9, from which it depends.

And rejected claim 17 has been amended as to R_x and R_y, in this case by

Application No. 09/811,359
Amendment dated May 30, 2007
Reply to Office Action dated March 12, 2007

28

Docket No.: 49862(72021)

adding the proviso that " R_x and R_y are not both hydrogen" which appears in claim 19, which depends from claim 17.

The above amendments to claims 3 and 9 also limit rejected claims 5, 6, and 11 by dependency.

Claim 3 has been further amended to remove " $-NHR_A$ " at R_2 , as this falls within the scope of $-NR_AR_B$, which also appears at R_2 .

Claim 17 has been further amended: to correct the form of the Markush language (by changing "or" to "and") and to reverse the omission of the words "optionally substituted" that occurred unintentionally in the Amendments To The Claims submitted in the preceding amendment (filed November 9, 2006).

Claim 22 has been amended to delete an inapt definition of R_x and R_y ; R_x and R_y do not appear in the formula of claim 22.

Claim Rejections – 35 U.S.C. §112

Claim 30 has been rejected as being indefinite. Claim 30 is hereby amended to incorporate limitations set forth in the specification that are believed to provide sufficient additional specificity to obviate this rejection. Support for the amendment can be found in the specification as filed at page 58, lines 17-26.

Claim Objections

Claims 4, 7, 8, 10, 12, 13, and 18-22 are objected to as depending from a rejected claim. It appears that claim 4, which depends from allowed claim 1, has been mistakenly included in this list. The rest of the objected-to claims depend from claims 3, 9, or 17.

The above amendments to claims 3, 9, 14, and 17 are believed to obviate the pending objections to claims 7, 8, 10, 12, 13, and 18-22, as well as the rejections of claims 3, 5, 6, 9, 11, 14, and 17.

Application No. 09/811,369
Amendment dated May 30, 2007
Reply to Office Action dated March 12, 2007

29

Docket No.: 49662(72021)

Allowed claim 35 has been amended to add "or excipient" to the phrase "pharmaceutically acceptable carrier". Support for this addition can be found in the specification as filed, e.g., at page 3, lines 25-27, page 28, lines 27-28, and page 30, lines 23-26.

New claim 69 has been added to claim compounds or salts of claim 3 in combination with carriers or excipients. Support can be found, e.g., in claims 3 and 35, and in the specification as filed, e.g., page 3, lines 25-27, page 28, lines 27-28, and page 30, lines 23-26.

In view of the above, Applicants respectfully request withdrawal of the pending rejections and objections and allowance of the application.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Dated: May 30, 2007

Respectfully submitted,

By Dwight D. Klyn
Dwight D. Klyn, Ph.D.

Registration No.: 57,665
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant